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OFFICE OF PETITIONS

HAMRE, SCHUMANN, MUELLER & LARSON P.C.
P.O. BOX 2902-0902
MINNEAPOLIS, MN 55402

In re Application of Aikoh et al. :
Application No. 10/089,409 : Decision on Petition
Filing Date: March 28, 2002 :
Attorney Docket No. 10873.0882USWO :

This is a decision on the petition under 37 CFR 1.181, filed November 21, 2006, to withdraw the holding of abandonment.

The petition is **granted**.

A Notice of Allowance was mailed July 10, 2006. A reply was not matched with the file. As a result, a Notice of Abandonment was mailed November 15, 2006.

Petitioner contends an issue fee transmittal form authorizing the Office to charge the issue fee to petitioner's deposit account was filed by facsimile transmission on August 10, 2006.

The evidence of record satisfies the requirements of 37 CFR 1.8(b) and is sufficient to prove the issue fee was timely paid. Therefore, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

As a courtesy, the Office notes the copy of the cover letter filed with the issue fee transmittal form includes a Certificate of Transmission with a date of August 9, 2006. In the future, petitioner should ensure all Certificate of Transmission dates are correct.

A review of the record indicates the Office charged \$300 for a publication fee to petitioner's deposit account. The Office has credited the \$300 back to petitioner's deposit account.

The Office of Publications will be informed of the instant decision and will prepare the application for issuance as a patent in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.


Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions